

#### **ORDINANCE NO. 02014-22**

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; AMENDING AND RESTATING ORDINANCE 621 CONCERNING THE O'DELL PLANNED DEVELOPMENT; MODIFYING THE REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY JAMES M. & MILDRED B. O'DELL TRUST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Wildwood passed and ordained Ordinance 621 on November 10, 2008; and

**WHEREAS**, said Ordinance was recorded February 23, 2009, in O.R. Book 2038, Page 688, Public Records of Sumter County, Florida; and

WHEREAS, the City Commission had extended that Ordinance through subsequent Commission approval; and

WHEREAS, the O'Dell Planned Development Amendment Application was filed on February 28, 2014; and

WHEREAS, the City now wishes to Amend and Restate Ordinance 621 in its entirety by enacting this Ordinance O2014-22; and

WHEREAS, it is the intention of the City for this amendment and restatement to supersede Ordinance 621; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Wildwood, Florida, as follows:

The application filed by James M. & Mildred B. O'Dell Living Trust (hereinafter referred as the, "Developer") for a Mixed Use Planned Development was heard by and before the City Commission, Wildwood, Florida on this \_\_\_\_\_ day of \_\_\_\_\_ 2014. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on May 13, 2014 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

#### **SECTION 1: GENERAL FINDINGS**

- A. That the James M. & Mildred B. O'Dell Living Trust Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on February 28, 2014.
- B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.
- C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.
- D. That the Developer intends to develop a Project consisting of 430.44 acres, more or less, which is situated in Wildwood, Florida. This land is legally described on the Conceptual Development Plan attached hereto as Exhibit "B".
- E. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- F. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

#### SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

- A. That the Applicant has applied for a Mixed Use Planned Development (MUPD) of the lands described in "Exhibit A".
- B. That the zoning district of the subject land described in "Exhibit A" is classified as Planned Development (PD) on the City of Wildwood Zoning Map. The Project was an approved PD prior to the City adopting new Land Development Regulations and zoning map.
- C. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.
- D. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned

Development Agreement", the provisions of the "Planned Development Agreement" shall govern. Unless specific conditions are included in the "Planned Development Agreement" waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.

E. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

# SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS

- A. <u>Development Concept.</u> The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This Planned Development Agreement shall govern the development of the Project.
- B. <u>Conceptual Development Plan.</u> The Project includes a conceptual development plan pursuant to Section 8.4 of the Land Development Regulations. The conceptual development plan prepared by HRGreen dated April 14, 2014 (revision date) is incorporated into this Ordinance as "Exhibit B" attached hereto. The conceptual development plan is substantially consistent with City of Wildwood Comprehensive Plan.
  - 1) The conceptual development plan illustrates the general location of the following land uses:
    - a. Commercial Retail;
    - b. Commercial Office and Medical Office;
    - c. Single Family Residential;
    - d. Multi-family Residential; and
    - e. Parks/Recreation
  - 2) The conceptual development plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.
- C. <u>Development Program.</u> The Project shall be developed in three (3) phases in accordance with the conceptual development plan and this Section.
  - 1) Residential Development. The residential component of the Project shall contain a mix of two (2) or more of the following housing types:

- a) Single Family Detached (SFD)
- b) Single Family Attached (SFA)
- c) Apartments/Condominium Buildings (ACB)
- 2) <u>Land Use Breakdown</u>. Acreages devoted to each land use over the life of the Project shall be in accordance with the following table:

| Land Use                  | Total<br>(Acres) |
|---------------------------|------------------|
| Commercial Retail         | 24.90            |
| Office                    | 10.00            |
| Single Family Residential | 164.40           |
| Multi-family Residential  | 42.40            |
| Parks/Recreation          | 11.90            |
| Total                     | 253.60           |

Note: There are 176.80 acres within the project that consist of drainage retention areas, open space, wetlands, and right-of-way for a total project area of 430.40 acres.

3) <u>Maximum Development Potential</u>. Residential and non-residential development within the Project shall not exceed the following:

#### Non Residential:

| Land Use          | Square Feet (SF) |  |
|-------------------|------------------|--|
| Commercial Retail | 222,000*         |  |
| Office            | 40,000*          |  |

\*Depending on market demands, the non-residential portion of the project may develop according to a sliding scale between non-residential mixes provided the maximum caps are not exceeded and the Project meets the minimum requirements of the Oxford Neighborhood Mixed Use (ONMU) land use.

#### Residential:

| Land Use   | Maximum Units | Maximum Acreage |
|--|---------------|-----------------|
| Single Family Detached (SFD)   | 900*          | 180*            |
| Single Family Attached<br>(SFA) and<br>Apartments/Condominium<br>Buildings | 675*          | 45*             |

<sup>\*</sup>Depending on market demands, the residential portion of the Project may develop according to a sliding scale between single family and multi-family

residential acres and unit counts. The maximum number of residential units shall not exceed 1000. However, market demands may warrant a shift between the percentage of single family and multi-family uses. The residential portion of the projects shall meet the minimum requirements of the Oxford Neighborhood Mixed Use (ONMU) land use.

- D. Amendments. The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.
- E. <u>Future Approvals</u>. After this Ordinance is recorded, and prior to any construction occurring, a site plan or subdivision preliminary plan shall be submitted for review and approval in the manner required by Chapter 4 or Chapter 5 of the Land Development Regulations, whichever Chapter is applicable:
  - 1) <u>Developer's Agreement</u>. Prior to approval of a site plan or a subdivision preliminary plan, the City and the Developer agree to enter into Utility or Developer's Agreements to address the provision of water, wastewater and reuse water to the Project. The agreement shall also specify, among other items, the ownership and maintenance of infrastructure associated with the Project.
- F. <u>Principal Uses</u>. Principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations for the Neighborhood Mixed Use 7 (NMU-7) zoning district shall be allowed.
- G. <u>Development Standards</u>. Unless otherwise noted, the Project shall adhere to the zoning district standards prescribed in Chapter 3 of the Land Development Regulations for the Neighborhood Mixed Use 7 (NMU-7) zoning district.
  - 1) Residential Standards
    - a. Single Family Attached and Apartment/Condominium Buildings: The minimum distance between structures shall be 20'.
    - b. Single Family Detached:
      - i. Minimum Lot Size 5,500 SF
      - ii. Minimum Lot Width 50'
      - iii. Setbacks:
        - 1. Front 15' setback from primary structure and 20' setback for garages

- 2. Sides 5' setback on lots less than 7,500 SF and 10' setback on lots over 7,500 SF
- 3. Rear 15'
- H. <u>Design District Standards</u>. Unless otherwise noted, the Project shall adhere to the Community Design District Standards pursuant to section 6.12 of the Land Development Regulations.
- I. <u>Recreation and Open Space</u>. The Project shall maintain a minimum of 25% (107.7 acres) open space.

1) Buffers.

- a. The Project shall contain a 10' perimeter landscape buffer along US 301, C-462, realigned section of C-462. No landscape buffer shall be required along CR 209 and CR 232. However, additional right-of-way shall be provided to the City by the Developer. In lieu of the required buffer along CR 209 & CR 232, a decorative wall shall be constructed.
- b. The Project shall contain 10' wide interior landscape buffers between changes of use.
- c. The Project shall contain 25' landscape buffers adjacent to wetlands.
- d. Any on site booster pumps, tanks, or lift stations needed to serve the Project shall be screened, buffered and located outside of the perimeter buffer.
- 3) Open Space. Open space shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may also include trails, plazas, courtyards, and other public similar public areas. Open space may also include recreation areas and amenities provided said amenities or area is not enclosed within conditioned space. For purposes of meeting open space requirements, up to 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation; however, the amount of open space credit from the drainage retention areas shall not exceed 50% of the open space requirement. Open space shall not include open bodies of water, right-of-ways, yards or lots of record per plat, driveways, off street parking areas or other impervious surface areas that do not meet the criteria.
- J. Environmental Considerations.
  - 1) Gopher Tortoise Survey. Prior to development of the site, the Developer shall conduct a 100% survey for gopher tortoises.

2) <u>Wetlands</u>. Developer is required to submit an updated Formal Determination of Wetlands and Other Surface Waters from the Southwest Florida Water Management District.

### K. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project shall be connected to the City's water and wastewater system prior to any certificates of occupancy being issued. The Project will also connect to the City's reuse water system prior to certificates of occupancy being issued, if available. Expansion of the City's Potable Water and Sanitary Sewer systems shall be negotiated by a separate Developer's Agreement between the City and the Developer. Said agreement shall specify cost, ownership and maintenance, and timetables for delivery of services.
- 2) <u>Solid Waste</u>. Solid waste services shall be provided by the City or the City's contracted refuse service provider.
- 3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District, and Chapter 6, section 6.4 of the City's Land Development Regulations.
- 4) <u>Underground Utilities</u>. All on site utilities shall be underground. Developer is responsible for running utilities underground for the Project. The City shall insure that any utilities within any public utilities easement serving lands other than the Planned Development shall be underground.
- 5) <u>Lighting</u>. Exterior lighting of all buildings and parking lots shall be designed so that light is not directed off the Project. Exterior light fixtures should be fully shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light, and glare.
- 6) <u>Easements.</u> Project shall provide 20' Utility Easements along CR 209, CR 232 and the realigned C-462. See Exhibit "C".
- 7) Right-of-Way. Developer shall donate right-of-way along CR 209 and CR 232 to provide a total of 50' from centerline. See Exhibit "C".

### L. Access and Transportation

1) Access. Project may provide two (2) access points on US 301 for commercial areas, four (4) access points on C-462 for commercial and office areas. The Project may also provide two (2) access points on CR 232, two (2) access points on CR 209 and two (2) access points on C-462 realigned for the residential areas. Internal cross-access shall be provided between land uses. Driveway permits for access on to C-462 shall be obtained through Sumter County. Driveway permits for US 301 shall be obtained through the

- Florida Department of Transportation (FDOT). Driveway permits for CR 209 and CR 232 shall be obtained through the City of Wildwood.
- 2) <u>Transportation System Improvements.</u> The Developer shall be fully responsible for the following improvements to the transportation system to mitigate transportation impacts of the Project. These improvements were identified in the Traffic Impact Analysis submitted with the Planned Development application:
  - a. The Developer shall donate sufficient right-of-way and construct a two lane roadway for the realignment of C-462. Sufficient right-of-way will be based on the C-462 Preliminary Engineering Study conducted by Sumter County provided there is no updated design information provided by Sumter County before construction of the realignment. Developer shall donate right-of-way along CR 209 and along CR 232 to provide a total of 50' from centerline.
  - b. Individual development pods and land uses shall be interconnected by a series of roadways and trails within the Project. Internal roadways and trails shall be developed with accordance with the conceptual development plan and the typical roadway provided for local roads.
  - c. The Project shall provide a system of multi-use trails and sidewalks that encourage walking and bicycling within the development as shown on the conceptual development plan.
  - d. Golf carts. Golf carts may be allowed to utilize the multi-use paths within the Project pending final engineering approval at the time of site plan.
- M. Maintenance of Common Areas. Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The Developer shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the Developer, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City.
- N. <u>Enforcement of Rules and Regulations.</u> For the maintenance of the common areas referenced in Section 3(M) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating

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- party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed.
- O. <a href="Impact Fees">Impact Fees</a>. The Planned Development shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Planned Development.
- P. Expiration of Planned Development Agreement. Actual construction must begin within the Planned Development within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to six (6) months provided the applicant can show good cause why said the Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions beyond 84 months after the effective date of this Ordinance.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 23 day of June, 2014.

| CORPURATES  | CITY COMMISSION CITY OF WILDWOOD, FLORI |
|---|---|
| S ATTEST <u>Cappandra Lippunc</u><br>Cassandra Lippincott, City Clerk | ED WOLF, MAYOR                          |
| First: Reading: June 9th, 20  | 14                                      |
| Second Reading: June 23 <sup>-2</sup> , 20                            | <u> </u>                                |

Approved as to Form:

Ashley Hunt, City Attorney

### Ordinance O2014-22

"Exhibit A"

O'Dell Planned Development

Parcels D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030

**Legal Description** 



### CITRUS ENGINEERING & SURVEYING. INC.

· CONSTRUCTION SURVEYS · MORTGAGE SURVEYS · BOUNDARY SURVEYS

3585 E. GULF TO LAKE HWY. - INVERNESS, FLORIDA 34453 PHONE: (352) 860-1145 FAX:(352) 860-2229

MAY 19, 2014

A LEGAL DESCRIPTION FOR MILDRED O'DELL TRUST OF LAND IN SECTION 31, TOWNSHIP 18 SOUTH, RANGE 21 EAST, SUMTER COUNTY, FLORIDA Inst:201460021074 Date:7/7/2014 Time:11:35 AM \_\_\_\_\_DC,Gloria R. Hayward.Sumter County Page 11 of 16 B:2805 P:565

THE N1/2 OF THE NW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. <u>LESS</u> LANDS IN OFFICIAL RECORD BOOK 118, PAGE 91, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA. <u>AND LESS</u> THE NE1/4 OF THE NE1/4 OF THE NW1/4. <u>AND LESS</u> ROAD RIGHT-OF-WAY OF CR 462 AND CR 209, AS MAINTAINED.

#### **AND**

THE S1/2 OF THE NW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF CR 209, AS MAINTAINED.

#### **AND**

THE S1/2 OF THE NE1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF US. HIGHWAY NO. 301.

#### AND

THE W1/2 OF THE SW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. <u>LESS</u> ROAD RIGHT-OF-WAY OF CR 209, AND CR 232, AS MAINTAINED.

#### **AND**

THE E1/2 OF THE SW1/4 OF SECTION 31, TOWNSHIP 18 SOUTH RANGE 23 EAST. <u>LESS</u> ROAD RIGHT-OF-WAY OF CR 232, AS MAINTAINED.

### **AND**

THE W1/2 OF THE SE1/4 OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST. LESS ROAD RIGHT-OF-WAY OF CR 232 AS MAINTAINED.

#### AND LESS

THAT PART OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST, IN SUMTER COUNTY, FLORIDA; BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 23 EAST IN SUMTER COUNTY, FLORIDA, SAID POINT BEING A RAILROAD SPIKE IN ASPHALT PAVEMENT (NO NUMBER), RUN N89°57'38"W ALONG

THE NORTH LINE OF THE SOUTHEAST ¼ A DISTANCE OF 44.54 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301; SAID POINT BEING AN IRON PIN LABELED LB707: THENCE CONTINUE N89°57'38"W ALONG THE NORTH LINE OF THE SOUTHEAST ¼ A DISTANCE OF 525.00 FEET TO AN IRON PIN LABELED LB707; THENCE CONTINUE N89°57'38"W ALONG THE NORTH LINE OF THE EAST ½ OF THE SOUTHEAST 1/4 A DISTANCE OF 757.65 FEET TO A CONCRETE MONUMENT (NO NUMBER), SAID POINT BEING ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31; THENCE S00°04'58"W ALONG THE WEST LINE OF THE EAST ½ OF THE SOUTHEAST ¼ A DISTANCE OF 642.90 FEET TO AN IRON PIN LABELED LB707, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, CONTINUE S00°04'58"W ALONG THE WEST LINEOF THE EAST ½ OF THE SOUTHEAST ¼ A DISTANCE OF 1963.74 FEET TO A POINT. ON THE NORTH RIGHT-OF-WAY LNE OF COUNTY ROAD NO. 232, SAID POINT BEING A CONCRETE MONUMENT (NO NUMBER); THENCE N89°58'50"W ALONG THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 232 A DISTANCE OF 768.70 FEET TO AN IRON PIN LABELED LB707; THENCE N00°04'58"E 1436.10 FEET TO AN IRON ROD LABELED LB707; THENCE N55°34'25"E 932.85 FEET TO THE POINT OF BEGINNING.

<u>SUBJECT</u> TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD IF ANY.

Inst:201460021074 Date:7/7/2014 Time:11:35 AM \_\_\_\_\_\_DC,Gloria R. Hayward,Sumter County Page 12 of 16 B:2805 P:566

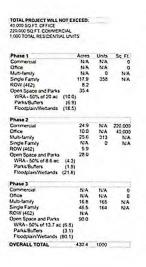
### Ordinance O2014-22

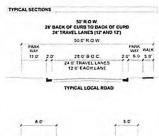
"Exhibit B"

O'Dell Planned Development

Parcels D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030

**Conceptual Development Plan** 





TYPICAL TRAIL SECTION

TYPICAL SIDEWALK SECTION

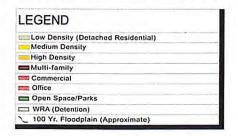
10" Project Interior Burner
On County Road 232 and County Road 203 and County Road 462
(existing and the future re-aligned section) no buffer will be

LEGAL DESCRIPTION:
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SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD IF ANY.





CONCEPTUAL DEVELOPMENT PLAN

# DELL PROPERTY

WILDWOOD, FLORIDA





Inst:201460021074 Date:7/7/2014 Time:11:35 AM \_\_\_\_\_DC,Gloria R. Hayward,Sumter County Page 15 of 16 B:2805 P:569

### Ordinance O2014-22

"Exhibit C"

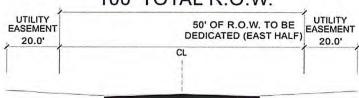
O'Dell Planned Development

Parcels D31=006, D31=007, D31=008, D31=010, D31=029, & D31=030

**Typical Cross Sections** 

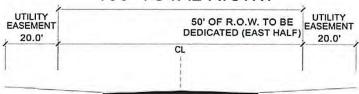
# **COUNTY ROAD 209**

100' TOTAL R.O.W.



# **COUNTY ROAD 232**

100' TOTAL R.O.W.



# **COUNTY ROAD 462**

100' TOTAL R.O.W.

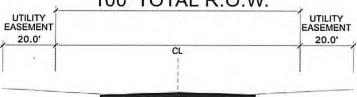


EXHIBIT 'C' - ADJACENT ROADWAY SECTIONS

# O'DELL PROPERTY

WILDWOOD, FLORIDA



